## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

CARIS DIAGNOSTICS, INC,	§	
Plaintiff	§ §	
vs.	8 §	NO. 3:09-CV-1917
SUSAN M. BAILEY,	§ §	
Defendant.	§ §	
	§	
	8	

## APPENDIX IN SUPPORT OF PLAINTIFF CARIS DIAGNOSTIC'S MOTION TO COMPEL ARBITRATION

In support of Plaintiff's Motion to Compel Arbitration, Caris Diagnostics, Inc., provides the attached evidence:

<b>Description</b>		<b>Appendix</b>
Affidavit of Philip ("Joe") Ellison		1-9
Ex. A	Application for Employment	10-13
Ex. B	Employment Offer Letter, 2/12/08	14-16
Ex. C	Employment Agreement, 3/10/02	17-28
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Affidavit of Michael	J. Guidotti	56-58
Affidavit of Russell C	). Farr	59-62
Affidavit of John F. McCarthy, Jr.		63-65
Ex. A.	9/1/09 Letter to American Arbitration Association for Demand for Arbitration, and attached copy of Employment Agreement	66-81
Ex. B	9/15/09 Letter from William G. Miossi, counsel for Susan Bailey	82-83
Ex. C	9/16/09 Letter to William G. Miossi in response to the Inquiry raised in Mr. Miossi's letter	84-85
Ex. D	10/6/09 Letter from William G. Miossi to American Arbitration Association requesting sixty (60) day suspension of arbitration proceedings	86-87
Ex. E	10/6/09 Letter from Case Manager Deanna E. Vicks of American Arbitration Association advising the arbitration has been suspended for sixty (60) days	88

Respectfully submitted,

\s\ John F. McCarthy, Jr.
John F. McCarthy, Jr.
Texas State Bar No. 13374500 M. Scott McDonald Texas State Bar No. 13555505 Jeremy W. Hawpe Texas State Bar No. 24046041

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## **CERTIFICATE OF SERVICE**

On October 29, 2009, I electronically submitted the foregoing document with the Clerk of the Court for the U.S. District Court, Northern District of Texas, using the electronic case file system of the Court. I hereby certify that I have served all counsel and/or *pro se* parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(5).

/s/ John F. McCarthy, Jr.
John F. McCarthy, Jr.

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